

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

THURSDAY, NOVEMBER 6, 2008, 7:00 PM

Chair Parsons called the meeting to order at 7:01 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Mercer, Mayer, Reed

Commissioners Absent: Horton, McKenzie, Frautschi

Staff Present: Community Development Director de Melo (CDD), Associate Planner Walker (AP), Assistant Planner Gill (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS – None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of October 7, 2008

MOTION: By Commissioner Mayer, seconded by Commissioner Mercer, to accept the Minutes of October 7, 2008, as presented.

Ayes: Mayer, Mercer, Reed, Parsons

Noes: None

Absent: McKenzie, Frautschi, Horton

Motion passed 4/0/3

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 1520 Folger Drive

The applicant proposes a Floor Area Exception and Single Family Design Review to add 838 square feet of floor area to the existing 4,852 square foot residence, resulting in a dwelling size of 5,690 square feet.

(Appl. No. 2008-0049)

APN: 044-353-320; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: Stanley E. Panko, AIA

Owners: Rajil Kapoor & Lydia Alexander

Contact Planner: Rob Gill – 650-598-4204

AP Gill summarized the Staff Report, recommending approval of the two entitlements subject to the Resolution and Conditions attached.

Stan Panko, architect, was available to answer questions. Commissioner Mercer asked him if, when he was deciding where to put the additions, he had looked at other areas around the property that would not have impacted the Oaks as greatly. Mr. Panko responded that it was relatively simple to increase the size of the guest room rather than creating a new appendage somewhere else. He felt that it was the most environmentally correct thing to do even though it did involve one Oak that had been somewhat compromised anyway over the years. The other end of the home is where the master suite is currently located, and where they've added the other bedroom is an attempt to keep everything compact rather than spreading out.

Raj Kapoor, owner, explained that his family includes three kids and a mother-in-law and there are currently only three usable bedrooms for six people; they need a bedroom with a bath downstairs for the mother-in-law and additional bedroom for the children. Regarding the steep driveway, he uses it but understands that it would not be safe if it were paved as it would be slippery in the rain. Responding to Commissioner Mayer's question regarding limits on the steepness of driveways, staff responded that if this was to be built today the steepness of the driveway could not be greater than 18%, adding that this is a secondary driveway.

Responding to Commission Reed, Mr. Kapoor stated that he had not received any comments from neighbors regarding view of privacy issues.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 4/0/3 by a show of hands.

Commissioner Reed liked the project, noting that some neighbors were concerned with construction related impacts, he stressed that the applicants should be sure to take care of their neighbors.

Commissioner Mercer stated that she could make all of the findings because of the way the house is situated on the lot, but she was disturbed by the abuse the Oak trees have received, due to improper pruning, dirt being allowed to accumulate around the crown and no monitoring for diseases. She concurred with the arborist's assessment on the fine, mitigation and the bond and the three-year follow-up on all of the Oak trees. Instead of mitigation money, she would like to see the 3:1 replacement trees placed on the lot, and asked for a plan showing where the Oaks will be placed to help screen the increasingly growing house.

Commissioner Mayer liked the home and agreed that the FAR conformity makes the house acceptable and logical. He believed the steep driveway is a hazard and had no purpose.

Chair Parsons could find no reason to deny the project and was also concerned about the Oaks. He concurred that the Commission should get a drawing back showing where the Oaks are going to be and conditions that actively protect and deal with the trees as they are now.

MOTION: By Commissioner Reed, seconded by Commissioner Mercer, to adopt the Resolution approving a Floor Area Exception and Single-Family Design Review at 1520 Folger Drive (Appl. No. 2008-0049) with the condition that the applicant return with a plan for Oak tree plantings at a future meeting.

Ayes: Reed, Mercer, Mayer, Parsons

Noes: None

Absent: McKenzie, Frautschi, Horton

Motion passed 4/0/3

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

5B. PUBLIC HEARING – 2003 Forest Avenue

The applicant requests Single Family Design Review approval to construct a 1,181 square-foot addition for an existing 1,307 square-foot single family residence resulting in a total of 2,488 square feet, which is below the maximum permitted 3,500 square feet for this zoning district and this site.

(Appl. No. PA2008-0045) APN: 044-083-140; Zoned: R-1C (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Applicant: Coast to Coast Development, Inc.

Owners: Ron and Beverly Brengolini

Contact Planner: Jennifer Walker: 650-595-7453

AP Walker summarized the Staff Report, recommending approval.

Mr. Auggie Paccei, designer for Coast to Coast Development, Inc., explained that the homeowners could not be at the meeting as they were attending a family funeral. He stated that the crawl space under the house is 2-3' at the back of the property and becomes 5-5'6" in one section and that it is usable only for storage of things that one does not care too much about. The existing washer and dryer are in back of the one-car 7' garage and the owners' desire is to get a real two-car garage and extra living space upstairs for the 4 grandchildren they inherited. The somewhat odd layout of the bedrooms is dictated more by frugality and trying to make the project work for them and their suddenly expanded family. The veneer would be an Eldorado stone to break up the mass in front of the house, necessitated only by the level of the driveway. He estimated the cut to be 25 cu. yds., most of which would need to be off-hauled to get a level surface for the footings. The furnace and water heater are currently in the crawl space and meet code. He further explained that he believed the closet off the master bedroom was illegally constructed and is being trimmed back

a foot and brought into compliance with current code, and that they are trying to keep the height down as much as possible for the neighbors. He plans to work with the landscape architect to develop some plantings for the neighbors in back to help them get more green screening so they do not see so much of the house.

Chair Parsons opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 4/0/3 by a show of hands.

Lillian Woo, landscape architect, stated that the Japanese maple has no automatic irrigation. She will recommend that a sprinkler system be installed and that the Oak trees be protected from over-watering.

Commissioner Mercer asked about a boat that is parked in the front of the house. CDD de Melo responded that the code requires that vehicles of all types are to be parked in the required driveway.

Commissioner Mayer believed this is a huge improvement on the property and liked the new colors. He could make all of the findings with the addition of a requirement for irrigation where it is appropriate.

Commissioner Reed concurred, and noted that this home was last worked on when Franklin Roosevelt was in the White House. It is extremely small, the addition is really well suited for the current size of the home and the lot, and he wholeheartedly supported the improvement.

Commissioner Mercer could make all findings with the exception of hardscape. She was concerned about the amount of asphalt in the front of the house and the fact that she observed four vehicles and a boat parked in the front of the house that day. She asked that staff look into code enforcement for the vehicles parked there, would like to see something done to make the driveway surface more permeable, and suggested that the side parking area to the right side be compressed granite instead of asphalt.

Chair Parsons said that he also could make the findings. His biggest concern is the landscaping and that it looks trashy with all the vehicles parked there. His recommendation was that the applicant return with a Landscape Plan including a sprinkler system and perhaps some revisions or removal of some of the paved areas. He did not believe it is legal to have parking pads at the side or the front of the house off the driveway and that some of that could be eliminated.

MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, approving a Single-Family Design Review for 2003 Forest Avenue (Appl. No. 2008-0045) with the additional condition that a Landscape Plan be returned for the front portion of the property indicating a reduction in hardscape for the paved areas and appropriate irrigation for the whole Landscape Plan.

Ayes:	Mercer, Mayer, Reed, Parsons
Noes:	None

Absent: McKenzie, Frautschi, Horton

Motion passed 4/0/3

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

6. NEW BUSINESS

6A. Review of Municipal Code Section 25 (Tree Ordinance)

CDD de Melo summarized the Staff Memorandum, which included the Staff Report that had been prepared for the City Council Meeting of October 14. He added that the Parks and Recreation (P&R) Commission and City Council had held a joint meeting the previous evening and one of the suggestions posed to the Council by P&R Director Gervais was the modification of the composition of the Tree Board to include members of the P&R Commission and the Planning Commission, as opposed to the current composition of only P&R Commissioners. CDD de Melo believed the suggestion was well received by Council and he was seeking feedback from the Commission on the idea.

Chair Parsons believed that the Planning Commission would concur with the suggestion, and it was his understanding that there had also been the suggestion that a citizen member – maybe a native arborist or a landscape architect – be on the committee.

CDD de Melo continued reviewing the policy questions raised in the staff memorandum and asked for Commission feedback.

Commissioners commented as follows:

Chair Parsons:

- P&R Director Gervais had told him that he is trying to find a way to create a tree data base that would include the health and location of the major trees in Belmont. By doing this electronically, it would then be easy to take that information and periodically adapt it to the GIS system.
- More trees need to be considered in the ordinance, and he never understood why protected trees had to be larger to be saved. Trees can have value even if they're considered junk trees. The Montereys have served their purpose and now that they are dying off doesn't mean that they should be cut out. Not all Eucalyptus trees are junky.
- The committee could also discuss definitions, thresholds and what is protected and what is not.

Commissioner Mercer:

- Loved the suggestion of a real tree committee.
- Thought that the committee should be the body that looks at the detailed revisions of the ordinance.
- Would like to incorporate an expanded general goals statement in the Findings and Purpose section of the new ordinance because, as a Planning Commission, they often refer to City

goals to either support or not support a project. Part of the goals should consider energy savings, pollution and run-off.

- Loved the idea of posting permits, not just for the obvious reasons that CDD de Melo stated, but for a more subtle reason that when people get used to seeing them, when they plan to cut down a tree they might realize they could need a permit.
- Regarding protection of the different categories of trees, she believed the protected species that are cited need to be those exceeding 6", not 10", and that 10" is a reasonable size instead of 18" for a non-protected species.
- Replacement of Eucalyptus, Acacia, and Monterey trees should be required and a ratio for replacement should be established.
- Section 25-4 goes into great detail to try to distinguish one policy for non-residential property vs. one for residential. She thought that language could be scratched as she did not understand the thought process behind it; all trees should be treated the same.
- Part of the reason people do not like to bother with permits is that the process is so painful. She thought that whatever process is determined for a permit it should be easy to read, easy to understand and quick and painless. In addition, regulations need to have severe penalties for people who do not get the permit and who do not go through the process. Make it easy to go through the process the right way and make it very painful if you do not.

Commissioner Reed:

- Focused on the exceptions – the Acacia, Eucalyptus and Monterey Pine. He thinks the Eucalyptus are messy, citing the rear tot lot and picnic area in Twin Pines Park as an example, and they are a fire hazard and not native.
- Suggested that the City think about adopting a policy that encourages people to remove Eucalyptus and Acacia trees especially, and perhaps Monterey Pines, and replace them with native species.
- One of the problems that he sees is people cutting trees down without getting a permit, either because they do not know they need to get one or they just work around it and hope they don't get caught.
- A lot of the hillsides are covered with non-native species and he thinks the City should promote native California trees and would be in favor of using the tree fund to encourage people to replace Eucalyptus, especially, with Oak, Buckeye, Bay or Monterey Cypress.

Commissioner Mayer:

- Discussion ensued in response to his statement that he found the ordinance confusing and hard to understand. He felt that the section regarding protected and regulated trees was inconsistent with the section on permits and needed to be clarified.
- He thought that a small pamphlet answering questions on the tree ordinance should be sent to every household in Belmont.

Chair Parsons:

- Thought committee members should be appointed as soon as possible.
- Suggested that tree ordinances be collected from other cities. CDD de Melo noted that the City arborist had already provided some to staff.

Commissioner Mercer added that California Relief would provide experts to speak to the committee.

Commissioner Reed added that he concurred with the use of print as well as the Planning Division's website to disseminate information.

CDD de Melo stated that he will meet with the City Attorney and City Clerk to determine how to legally establish the committee, and will put it on the next agenda so that the Planning Commission can choose its three representatives. Commissioner Mercer added that the City Council had expressed an interest in getting this going quickly and everyone recognizes how bad the tree ordinance needs to be improved.

7. REPORTS, STUDIES AND UPDATES:

6F. San Mateo Development – North Road/43rd Avenue

AP Walker reviewed the detailed Memorandum she had prepared regarding this item. She clarified that the developer has not received a building permit for the exterior remodel, which is on hold until Belmont issues an encroachment permit for a driveway cut, sidewalk, curb and gutter street improvements.

Chair Parsons asked AP Walker if she saw a plat development for the whole shopping center that might show that there is an easement across the backs of the properties for an alleyway through the property. AP Walker responded that there is definitely an alleyway – 20 feet with no development on it. Chair Parsons could see no advantage for the City of Belmont to allow encroachment across it on to the City's property when they have their own access. Responding to a question from Commissioner Mercer, AP Walker stated that the address of the residences would be on 43rd Avenue in San Mateo but they would not have access to that street. Commissioner Mercer questioned why the subject properties would be paying property tax to San Mateo if they are facing North Road in Belmont. AP Walker responded that Public Works had indicated that the City does not levy any sort of fees for using Belmont streets and it cannot be regulated. Chair Parsons believed that the City can regulate a street right-of-way and has zoning codes that designate this as a residential neighborhood, and questioned why, if San Mateo does not have a permit to use that one driveway, they should be allowed a second one for their garbage. If the City of San Mateo issues permits that depend on Belmont to solve its ugly problems, Chair Parsons did not believe Belmont should cooperate in solving them. He did not believe the staff, Commission or Public Works would be doing the Belmont residents of that neighborhood any favors by allowing any encroachment and that they need to determine, perhaps at the County Courthouse, what easements, if any, are on those properties. AP Walker stated that there is an alleyway that can be accessed from the parking lot on 43rd Avenue. That being the case, Chair Parsons felt that if that is a legal easement there is no requirement for Belmont to allow access across its property.

CDD de Melo suggested that the Commission appoint a member to act as liaison with staff to go to the City of San Mateo to do some additional research and look at other implications. Commissioner Mercer nominated Chair Parsons, seconded by Commissioner Reed, to act in this capacity. Commissioner Reed added that he wholeheartedly endorsed this action, but stressed that

this area has been derelict for quite some time and hoped that whatever is done the City of Belmont takes it upon itself to beautify that area and eventually all the way up the street. Chair Parsons thanked AP Walker for all that she had done on this project and asked that staff remind Public Works that they should not issue any temporary encroachment permits.

CDD de Melo reported on the following projects:

6A. Motel 6 – 1101 Shoreway Road

No significant update.

6B. NDNU (Koret) Athletic Field

A Task Force meeting was held and he is attempting to schedule another meeting. The end product is going to be the return of the Conditional Use Permit to the Planning Commission with recommended changes.

6C. Charles Armstrong School – 1405 Solana Drive

No significant update.

6D. Ralston/US-101 Landscape Project

No significant update.

6E. Emmett House – 1000 O’Neill

Two meetings of the subcommittee have been held and its work is completed. The subcommittee’s recommendations will be brought to the Commission at its November 18th meeting.

6G. 900 Sixth Avenue – Belmont Vista Facility

No significant update.

6I. Safeway – 1101 El Camino Real

No significant update.

Other Reports:

Since CDD de Melo reported that City Hall will be closed December 24th through January 5th, CDD de Melo asked for Commission authorization to **cancel the January 6th 2009 meeting**. Permission granted by consensus.

8. CITY COUNCIL MEETING OF WEDNESDAY, NOVEMBER 12, 2008

Liaison: Commissioner Mercer
Alternate Liaison: Commissioner McKenzie

9. ADJOURNMENT:

The meeting was adjourned at 8:45 p.m. to a Regular Planning Commission Meeting on Tuesday, November 18, 2008 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.*